

# Notice of Allowability

Application No.

10/649,001

Examiner

Sharon Kennedy

Applicant(s)

HOLTBY ET AL.

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 5, 2005.
2. ☒ The allowed claim(s) is/are 1-9 and 27-32.
3. ☒ The drawings filed on 08/26/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/28/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

#### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-9, 27-32 in the reply filed on May 5, 2005 is acknowledged. Claims 10-26 are withdrawn from further consideration.

This application is in condition for allowance except for the presence of claims 10-26 to Group 2 non-elected without traverse. Accordingly, claims 10-26 have been cancelled.

#### ***Allowable Subject Matter***

Claims 1-9, 27-32 are allowed.

The following is an examiner's statement of reasons for allowance: The claims require a manually operable pressure relief apparatus linked to a pressure infusion bag. The valve allows a user to quickly and efficiently toggle between a first and second predetermined over pressurization limit. Applicant's description of the state of the prior art is correct. The main problem with over pressurization relief valves is that they offer only a single over pressurization limit.

The closest prior art found is the patent to Shen, US 5,749,854. Shen discloses a pneumatic controlled infusion device having an adjustable bolt 57 used to adjust the

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tension of spring 576 which controls an overpressurization limit by changing the degree of pressure necessary to displace cone 553. In addition, there is a second overpressurization release valve 20 at the bag 10. However, this assembly does not meet the limitations of the claims, which allows a user to toggle between the first and second limits. What is allowed is an adjustable first limit, and a static second limit, but no control between the two of them. There is no method of toggling between one and the other.

A second prior art to Woods et al., US 4,657,160 shows some pressure infusion but nothing suggestive of selecting between two overpressurization limits. Applicant's cited prior art is noted, but this is prior art dedicated to blood pressure cuffs, and is non-analogous. There is no suggestion that blood pressure cuff apparatuses could be used in a pressure infusion apparatuses.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

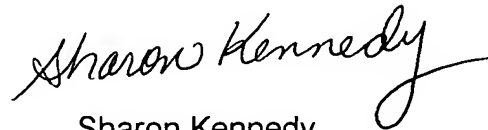
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571/272-6996.

Information regarding the status of an application may be obtained by going to [www.uspto.gov](http://www.uspto.gov), clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.

A handwritten signature in black ink that reads "Sharon Kennedy". The signature is fluid and cursive, with a long, sweeping tail on the letter "y".

Sharon Kennedy  
Primary Examiner  
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